

UNITED STATES DISTRICT COURT

For the

Western District of Oklahoma

QUILL INK BOOKS LIMITED, a
foreign corporation,

Plaintiff

Civil Action No. CIV-18-00920-G

v.

ABCD GRAPHICS AND DESIGN, D/B/A

Blushing Books, et al.

Defendant

AFFIDAVIT OF ANNE M. WILLS

Anne Marie Wills, being of lawful age and duly sworn, allege and state the following:

1. I am the CEO and sole owner of ABCD Graphics and Design, a Virginia Corporation. ABCD Graphics and Design publishes romance, fantasy, and young adult fiction under multiple imprints, including Blushing Books, and Blushing Books Publications.
2. I have owned ABCD Graphics and Design since 1999 and have published in excess of 3000 titles over twenty years.
3. In April 2018, I was contacted by Rachelle Soto who writes as Addison Cain. Ms. Cain had been contacted by numerous readers with concerns that her title, "Born to Be Bound" (published by Blushing Books imprint in April 2016) had possibly been plagiarized by an author named Zoey Ellis, in her title "Crave to Conquer" (published January 2018).

4. Ms. Cain forwarded to me in excess of ten emails and online comments from readers that raised concerns about the similarities of the two plot lines.

5. In early April 2018, I was provided by Ms. Cain a spreadsheet and a list that demonstrated dozens of plot “beats” that were similar between the two titles.

6. After reading Ms. Ellis’ book and re-reading Ms. Cain’s title (which I had initially read when it was released in 2016), I became convinced that the core plot line of Ms. Cain’s book was plagiarized by Ms. Ellis. In both books:

- a. A young woman heroine (a rare “Omega”), in disguise, is captured by the dominant male hero (an “Alpha”) after her “suppressant” unexpectedly wears off in a public gathering.
- b. The failure of the suppressant allows the Alpha-hero to sense her sexually.
- c. Numerous followers of the Alpha-hero vie to capture the Omega-heroine and are killed in the conflict.
- d. The Omega-heroine is successfully captured by the Alpha-hero and held in physical bondage by him in his private chambers.
- e. The Omega-heroine is continually denied her suppressants and is forced into sexual bondage, which she cannot resist because of her biology.
- f. The Omega-heroine is coerced and tricked into providing information about other rare Omegas in hiding.
- g. The Alpha-hero falls in love with the Omega-heroine, in spite of their captor/captive relationship.
- h. The Omega-heroine escapes from the Alpha-hero.
- i. The Omega-heroine is assisted by an unexpected male ally during her escape.
- j. The Omega-heroine has contact with hidden “secret” Omegas after her escape.
- k. Both titles end on a cliffhanger, with the Omega-heroine separated from the Alpha-hero, who is searching for her.

7. While Omegaverse is a “shared universe” (like vampire fiction) and within this shared universe, there are elements which make the books “Omegaverse” (such as the presence of the Alphas and Omegas), I believed after research that the plot similarities between the two titles went far beyond the elements that would be legitimately present in a shared environment.

8. I consulted with Ms. Cain about possible ways forward. Although I believed that Ms. Ellis’ appropriation of Ms. Cain’s material was sufficient to justify the filing of DMCA “take-down” notices, I did advise Ms. Cain that I did not believe Ms. Ellis’ books were harming her financially and that “doing nothing” was an option that should be considered. Ms. Cain was adamant that we proceed.

9. In late April 2018, I advised my Director of Production, Allison Travis, to coordinate with Ms. Cain in sending takedown notices to Barnes & Noble, Apple, Kobo, Amazon, and Google Play.

10. Both Ms. Travis and Ms. Cain filed online take down notices between late April and late May 2018.

11. Neither I nor anyone acting at my direction ever filed a notice with Draft2Digital, communicated with Draft2Digital, or was even aware that Ms. Ellis had a relationship with Draft2Digital until informed so by Barnes & Noble in July 2018.

12. As a result of DMCA noticed filed by ABCD Graphics and Design, the titles were removed from Apple, Barnes & Noble, and Kobo during the review process. They were never removed from Amazon or Google Play.

13. I am entirely uncertain about the status of Quill Ink Books Limited. Although an email from Apple iBooks to ABCD Graphics in May of 2019 did identify Quill Ink as the publisher, Apple’s own instructions to us advised us to contact “Zuri Amarcya.” A Cease and Desist letter received in late May 2018 from Texas attorney, Margarita Coale, does not mention Quill Ink Books whatsoever. Rather, here, the client is identified as Zoey Ellis.

14. A cease and desist notice was mailed to ABCD Graphics by Texas attorney, Margarita Coale, in late May 2018. Ms. Coale has a negative history with both ABCD

Graphics and Design and Ms. Cain that predates by more than a year the publication of Zoey Ellis' book. Furthermore, I learned that although the letter was on the letterhead of a firm "Miller Egan" in Dallas Texas, and Ms. Coale identified herself as a partner of said firm, a call to Miller Egan confirmed that the information was not accurate. Based on this, as well as Ms. Coale's history with ABCD Graphics, I informed Ms. Coale both via my attorney and in writing that I considered her representation of Ms. Ellis improper and a conflict of interest.

15. Allison Travis continued to communicate with Ms. Cain during the time frame of April, May, and June of 2018. I was not advised about every communication or action.

16. In late June 2018, having received no response from Amazon to our online take-down filing, I sent a certified letter to Amazon's legal department requesting that Ms. Ellis' titles be removed from sale. Amazon never responded to this letter.

17. Although I have stated elsewhere that I filed a written notice with Google Play in late June or early July 2018, I can locate no copy or record of such a notice on my hard drive and cannot state with confidence whether it was filed or not.

18. In July 2018, Apple, Barnes & Noble, and Kobo placed Ms. Ellis's titles back up for sale.

19. At no point in time, have I, Anne Wills, or any employee of my company posted any public statements to any online forums regarding Ms. Ellis, Quill Ink, or this situation.

20. In nearly twenty years of book publication, I have filed a DMCA take-down notice only one other time regarding a "similar" book.

21. I have never filed a DMCA take down notice against another title or author in the "Omegaverse" universe.

22. I have never stated that I believed that Ms. Cain was in possession of "registered" copyrights. On the contrary, I knew for a fact that she had not registered her copyrights.

I, Anne Wills swear/affirm under oath, and under penalty of perjury, that I have read the foregoing *AFFIDAVIT* and that the statements set forth therein are true and correct to the best of my knowledge.

Anne Wills June 24, 2019
Signature Date

Subscribed and affirmed, or
sworn to before me in the County of Albemarle, State of
Virginia, this 24th day of June, 20 19. My
Commission Expires: 03/31/2022

Derek Scott Miller

Notary Public

